

REMARKS

1. Claims 36, 42 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over EP 097 432. The Examiner has stated that the European Patent discloses a processor capable of the continuous calculation of the input signals of the weighing devices to determine a change in fluid volume. In view of the Examiner's misreading of the European Patent, Applicants respectfully traverse this rejection.

The claimed fluid management system allows for inputting the specific gravity of the particular fluid being used in the medical procedure, and using this information in conjunction with weight measurements, to determine and provide as an output on a display device the difference in the volume of fluid between the inflow and outflow containers. Thus, the user is provided directly and accurately with a reading of the volume of fluid absorbed in the body, rather than being provided with a value for the weight difference and requiring the user to make the correlation or an estimate between weight and volume by some other means. In this manner, the system is readily adaptable to the use of any different type of fluid.


In contrast to the Examiner's reading of the European Patent, the European Patent neither teaches nor suggests an automated device wherein the specific gravity of the fluid can be inputted, and wherein the specific gravity is used by the processor in combination with the weight of the inflow and outflow containers to display as an output the **volume** of the fluid as opposed to the **weight** of the fluid. Instead, the European Patent describes a device that only measures the relative fluid weights, not their difference in volume. As indicated above, the display of the difference in fluid volume between the inflow and outflow containers as set forth in the claimed fluid management system automatically provides a more accurate and reliable means by which to assess the absorbed fluid, which is the critical piece of information needed.

Serial No. 09/852,880

In view of the significant deficiencies in the teachings of the European Patent, Applicants respectfully request that the rejection under 35 U.S.C. 103(a) as being unpatentable over this patent be withdrawn.

2. Since all formal requirements appear to have been met, Applicants respectfully solicit a Notice of Allowance at the Examiner's earliest convenience.

Respectfully submitted,

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